

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually and on  
behalf of all others similarly situated,  
  
*Plaintiff,*  
  
v.  
  
RIOT BLOCKCHAIN, INC. F/K/A, BIOPTIX,  
INC., JOHN O'ROURKE, and JEFFREY G.  
McGONEGAL,  
  
*Defendants.*

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Civil Action No.: 18-2293(FLW)(ZNQ)  
  
CONSOLIDATED ACTION  
  
  
  
  
  
**STIPULATION AND**  
**[PROPOSED] ORDER**

Lead Plaintiff Stanley Golovac (“Lead Plaintiff”) and Defendants Riot Blockchain, Inc. (“Riot”), John O’Rourke, Jeffrey McGonegal, Barry Honig, Catherine DeFrancesco, John Stetson, and Mark Groussman, (together “Defendants,” and together with Lead Plaintiff, the “Parties”), by and through their undersigned counsel, hereby agree and jointly propose this stipulation:

WHEREAS, on February 17, 2018, Creighton Takata (“Takata”) initiated the above captioned action against Riot, O’Rourke, and McGonegal, alleging violations of the Securities Exchange Act of 1934 (ECF No. 1);

WHEREAS, the Court appointed Stanley Golovac as Lead Plaintiff and the law firm of Motley Rice LLC as Lead Counsel on November 6, 2018 (ECF No. 40);

WHEREAS, Lead Plaintiff filed a Complaint against Riot, Honig, O'Rourke, McGonegal, and Beeghley on January 15, 2019 (ECF No. 52);

WHEREAS, Riot, Honig, O'Rourke, McGonegal, and Beeghley moved to dismiss the Complaint on March 18, 2019 (ECF Nos. 66, 67);

WHEREAS, Lead Plaintiff filed a Consolidated Amended Class Action Complaint for alleged violations of federal securities laws on May 8, 2019 (ECF No. 72), adding DeFrancesco, Stetson, Groussman, Kaplan, Dai, Les, and So to the action;

WHEREAS, Lead Plaintiff filed a corrected Consolidated Amended Class Action Complaint (the “Amended Complaint”) on May 9, 2019 (ECF No. 73);

WHEREAS, Defendants filed motions to dismiss the Amended Complaint on September 3 (ECF Nos. 107, 108, 112), September 5 (ECF No. 118), September 30 (ECF Nos. 131, 132), and October 1, 2019 (ECF No. 134);

WHEREAS, Chief Judge Freda L. Wolfson dismissed the Amended Complaint without prejudice in an Order dated April 30, 2020 (ECF No. 167);

WHEREAS, Magistrate Judge Zahid N. Quraishi granted Lead Plaintiff leave to file a Consolidated Second Amended Class Action Complaint (the “Second Amended Complaint”) in a Memorandum and Order dated December 23, 2020 (ECF No. 187); and

WHEREAS, Lead Plaintiff filed the Second Amended Complaint on December 24, 2020 (ECF No. 188).

THEREFORE, IT IS HEREBY STIPULATED AND AGREED, among the Parties, subject to the Court’s approval, that:

1. On or before February 8, 2021, Defendants shall answer, move to dismiss, or otherwise respond to the Second Amended Complaint;
2. On or before March 25, 2021, Lead Plaintiff shall file its oppositions to any motions to dismiss;
3. On or before April 26, 2021, Defendants shall file any replies to Lead Plaintiff’s oppositions.

**PAUL HASTINGS LLP**

Dated: December 31, 2020

/s/ Chad J. Peterman

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*Counsel for Defendant Mark Groussman*

SO ORDERED this 4th day of January, 2021.

/s/Freda L. Wolfson

Honorable Chief Judge Freda L. Wolfson